

103D CONGRESS  
1ST SESSION

# S. 409

To extend the terms of various patents, and for other purposes.

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## IN THE SENATE OF THE UNITED STATES

FEBRUARY 18 (legislative day, JANUARY 5), 1993

Mr. GLENN (for himself and Mr. HATCH) introduced the following bill; which  
was read twice and referred to the Committee on Finance

FEBRUARY 24 (legislative day, JANUARY 5), 1993

Committee discharged; ordered referred to the Committee on the Judiciary

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## A BILL

To extend the terms of various patents, and for other  
purposes.

1       *Be it enacted by the Senate and House of Representa-*  
2       *tives of the United States of America in Congress assembled,*

3       **SECTION 1. PATENT TERM EXTENSION FOR OLESTRA.**

4       (a) IN GENERAL.—The terms of United States pat-  
5       ents numbered 4,005,195, 4,005,196, and 4,034,083 (and  
6       any reissues of such patents) shall each be extended for  
7       a period beginning on the date of its expiration through  
8       December 31, 1997.

1 (b) POST-MARKET SURVEILLANCE.—The holders of  
2 the patents extended under this section shall, following the  
3 first permission for marketing olestra, undertake a post-  
4 market program that shall provide data regarding the in-  
5 fluence of olestra-containing products upon the overall die-  
6 tary intake of fats. Such data shall be subject to the usual  
7 standards of professional peer review. At the end of the  
8 study period, such data shall be submitted to the Food  
9 and Drug Administration for review. Such study data  
10 shall be in a format which shall be made available to Con-  
11 gress for public review. The requirements of this sub-  
12 section shall not in any manner preempt the authority of  
13 the Food and Drug Administration to request and to re-  
14 ceive any other information it determines necessary in the  
15 course of its ongoing regulatory activities.

16 **SEC. 2. EXTENSION OF PATENT FOR INSIGNIA.**

17 A certain design patent numbered 29,611, which was  
18 issued by the United States Patent Office on November  
19 8, 1898, which is the insignia of the United Daughters  
20 of the Confederacy, and which was renewed and extended  
21 for a period of 14 years by the Act entitled “An Act grant-  
22 ing an extension of patent to the United Daughters of the  
23 Confederacy”, approved November 11, 1977 (Public Law  
24 95–168, 91 Stat. 1349), is renewed and extended for an  
25 additional period of 14 years beginning on the date of en-

1 actment of this Act, with all the rights and privileges per-  
2 taining to such patent.

3 **SEC. 3. PATENT TERM EXTENSIONS FOR AMERICAN LE-**  
4 **GION.**

5 (a) **BADGE OF AMERICAN LEGION.**—The term of a  
6 certain design patent numbered 54,296 (for the badge of  
7 the American Legion) is renewed and extended for a pe-  
8 riod of 14 years beginning on the date of enactment of  
9 this Act, with all the rights and privileges pertaining to  
10 such patent.

11 (b) **BADGE OF AMERICAN LEGION WOMEN’S AUXIL-**  
12 **IARY.**—The term of a certain design patent numbered  
13 55,398 (for the badge of the American Legion Women’s  
14 Auxiliary) is renewed and extended for a period of 14  
15 years beginning on the date of enactment of this Act, with  
16 all the rights and privileges pertaining to such patent.

17 (c) **BADGE OF SONS OF THE AMERICAN LEGION.**—  
18 The term of a certain design patent numbered 92,187 (for  
19 the badge of the Sons of the American Legion) is renewed  
20 and extended for a period of 14 years beginning on the  
21 date of enactment of this Act, with all the rights and privi-  
22 leges pertaining to such patent.

23 **SEC. 4. INTERVENING RIGHTS.**

24 The renewals and extensions of the patents under  
25 sections 2 and 3 shall not result in infringement of any

1 such patent on account of any use of the subject matter  
2 of the patent, or substantial preparation for such use,  
3 which began after the patent expired, but before the date  
4 of the enactment of this Act.

5 **SEC. 5. EFFECTIVE DATE.**

6 The provisions of this Act shall take effect on the  
7 date of the enactment of this Act.

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